IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 238 of 2004(C)

PETITIONER:

T.P. MARY, AGED 55 YEARS,
RETD.H.S.A., ST.JOSEPH'S HIGH SCHOOL,
KUDAKKACHIRA, H.S.A. (MATHEMATICS),
W/O. PAUL VARGHESE, POOVATHUMKAL,
MUTHOLAPURAM P.O., ST. JOSEPH, KUDAKACHIRA.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM.

3. THE DISTRICT EDUCATIONAL OFFICER, PALA.

4. THE ACCOUNTANT GENERAL OF KERALA (A & E)
THIRUVANANTHAPURAM.

5. THE HEADMISTRESS, ST. JOSEPH'S HIGH
SCHOOL, KUDAKKACHIRA.

BY ADV. SRI.SUNIL CYRIAC
GOVT.PLEADER SRI.K.V.MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE RELEVANT EXTRACT OF THE AUDIT REPORT.

EXT.P2 : TRUE COPY OF THE JUDGMENT IN O.P.NO.26208/2002 DT. 4.2.2003.

EXT.P3 : TRUE COPY OF THE ORDER ISSUED BY THE 4TH RESPONDENT FOR REFUND OF RS. 37,574/-

KURIAN JOSEPH, J.

W.P(C)No.238 of 2004

Dated this the 2nd day of April, 2007

JUDGMENT

In view of the decision of this court in State of Kerala v. Lissy Joseph, 2005 (4) KLT SN 70, (2006 (1) KLJ 566) it is settled law that the date of reoption is the date of effect of the reoption made by an incumbent and not the date of making the reoption. The impugned proceedings are hence quashed. In case any benefits have been withheld the same shall be disbursed to the petitioner within a period of two months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.